

**REMARKS**

By this Amendment, Applicant amends claims 1-4 and 13,<sup>1</sup> and adds claim 18 to address other aspects of the present invention. Upon entry of this Amendment, claims 1-4, 13, 17, and 18 will be pending.

In the Office Action, the Examiner rejected claims 1 and 13 under 35 U.S.C. § 102(b) as being anticipated by JP 11065712A to Shimada ("Shimada"); rejected claims 2 and 3 under 35 U.S.C. § 103(a) as being unpatentable over Shimada in view of U.S. Patent Application Publication No. 2003/0009705 to Thelander et al. ("Thelander"); and rejected claim 4 under 35 U.S.C. § 103(a) as being unpatentable over Shimada in view of Thelander and U.S. Patent No. 6,928,567 to Nakai ("Nakai").<sup>2,3</sup>

**Regarding the rejections under 35 U.S.C. § 102(b)**

Applicant respectfully traverses the rejection of claims 1 and 13 under 35 U.S.C. § 102(b) as being anticipated by Shimada.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." See M.P.E.P. § 2131, quoting Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Further, "[t]he identical invention must be shown in as complete detail as is contained in the . . . claim." See M.P.E.P. § 2131, quoting Richardson v. Suzuki Motor Co., 868 F.2d 1126, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989).

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<sup>1</sup> Amended claims 1-4 and 13 correspond to those presented in the Amendment filed on May 16, 2007.

<sup>2</sup> The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicant declines to automatically subscribe to any statement or characterization in the Office Action.

Independent claim 1, as amended, recites a combination including, for example, “an operation mode acquisition unit configured to acquire a current operation mode; [and] an operation mode determination unit configured to determine whether or not the current operation mode acquired by the operation mode acquisition unit corresponds to a desired operation mode, based upon the time zone information set by the time zone setting unit.” Shimada fails to disclose at least these features of amended claim 1.

Shimada discloses that “[a]n input device 1 inputs the silent mode time to reduce the levels of noises caused by a device especially by the revolutions of a cooling fan 4. A control circuit 5 varies the operating clock frequency of a CPU 3 to lower the operating speed of the CPU 3 down to a prescribed level at the silent mode start time that is stored in a memory 2. . . . At the end time of the silent mode, the circuit 5 resets the rotational speed of the fan 4 at its normal level and then resets the operating speed of the CPU 3 at its normal level.” Shimada, Abstract, (emphasis in original).

Therefore, in Shimada, the start time and the end time control the operation of the silent mode and the normal mode. However, Shimada’s teaching of directly controlling the operation mode only based on the start time and the end time does not constitute “an operation mode acquisition unit configured to acquire a current operation mode; [and] an operation mode determination unit configured to determine whether or not the current operation mode acquired by the operation mode acquisition unit corresponds to a desired operation mode, based upon the time zone information set by the time zone setting unit,” as recited in amended claim 1 (emphasis added). In fact,

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<sup>3</sup> It appears that claim 17 was not considered in the Office Action. The Examiner is requested to address claim 17 in the next Action.

Shimada is silent on controlling the operation mode with respect to the current operation mode.

Therefore, Shimada fails to teach each and every element of amended claim 1.

Shimada thus cannot anticipate amended claim 1 under 35 U.S.C. § 102(b).

Accordingly, Applicant respectfully requests withdrawal of the Section 102(b) rejection of amended claim 1.

Further, amended independent claim 13, while of different scope, includes similar recitations to those of amended claim 1. Amended claim 13 is therefore also allowable for at least the same reasons stated above. Applicant also respectfully requests withdrawal of the Section 102(b) rejection of amended claim 13.

In the Office Action mailed August 6, 2007, the Examiner also rejected claims 1 and 13 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,189,106 to Anderson (“Anderson”). However, Anderson also fails to disclose at least the above features of amended claim 1.

Anderson discloses that “[a]n event is scheduled to occur at a predetermined time, and a determination is made from the scheduled event an optimal operational setting at which to set the computer-based information handling system or electronic device during the scheduled event.” Anderson, Abstract. “The future event may be any known or predetermined operation, function, or use of computer-based information handling system 100 of FIG. 1, or any known or predetermined operation, function or action of a user of computer-based information handling system, to occur at a predetermined time. For example, a three hour airplane flight may be scheduled on the third day of March at 10:00 a.m. during which computer-based information handling

system 100 may be used, for example to prepare a report.” Anderson, Col. 4, lines 34-43, emphasis added.

Therefore, Anderson merely teaches control computer operation based on a future event. Thus, Anderson’s teaching of computer operation based on the future event does not constitute “an operation mode acquisition unit configured to acquire a current operation mode; [and] an operation mode determination unit configured to determine whether or not the current operation mode acquired by the operation mode acquisition unit corresponds to a desired operation mode, based upon the time zone information set by the time zone setting unit,” as recited in amended claim 1 (emphasis added). In fact, Anderson is silent on controlling the operation mode with respect to the current operation mode, and fails to even mention any time-zone setting.

**Regarding the rejections under 35 U.S.C. § 103(a)**

Applicant respectfully traverses the rejection of claims 2 and 3 under 35 U.S.C. § 103(a) as being unpatentable over Shimada in view of Thelander; and the rejection of claim 4 under 35 U.S.C. § 103(a) as being unpatentable over Shimada in view of Thelander and Nakai, because a *prima facie* case of obviousness has not been established.

To establish a *prima facie* case of obviousness based on a combination or suggestion of prior art, “Office personnel must articulate . . . a finding that the prior art included each element claimed, although not necessarily in a single prior art reference, with the only difference between the claimed invention and the prior art being the lack of actual combination of the elements in a single prior art reference.” M.P.E.P. § 2143.A (8<sup>th</sup> edition, revision 6).

Claims 2, 3, and 4 depend from claim 1. As explained above, Shimada fails to teach or suggest at least “an operation mode acquisition unit configured to acquire a current operation mode; [and] an operation mode determination unit configured to determine whether or not the current operation mode acquired by the operation mode acquisition unit corresponds to a desired operation mode, based upon the time zone information set by the time zone setting unit,” as recited in amended claim 1 (emphasis added).

Thelander fails to cure the deficiencies of Shimada. Thelander teaches that “a power management profile may include one or more groups of power settings, together with a schedule for implementing those power settings.” Thelander, para. [0046]. Further, “the interface 401 may, for example, permit the user to modify the settings in fields 445 and/or 447 and 449, or provide an override button that allows the user to override implementation of the power management profile.” Thelander, para. [0048].

However, Thelander’s teaching of merely changing power settings does not constitute the above recited features required by amended claim 1 and claims 2 and 3 that depend therefrom. Therefore, Shimada and Thelander each fails to all claim elements required by claims 2 and 3. Accordingly, Applicant respectfully requests withdrawal of the Section 103(a) rejection of amended claims 2 and 3.

Nakai fails to cure the deficiencies of Shimada and Thelander. The Examiner alleges that “Nakai explicitly teaches that power can be conserved in a power saving mode by reducing a disk rotation speed [col. 18 lines 12-20].” (Office Action at 4.) Even assuming the Examiner’s allegation is correct, which Applicant does not concede, Nakai fails to teach or suggest at least the above recited features required by amended claim

1 and its dependent claim 4. Applicant respectfully requests withdrawal of the Section 103(a) rejection of amended claim 4.

In the Office Action mailed August 6, 2007, the Examiner also rejected claims 1-3 and 13 over U.S. Patent No. 6,408,395 to Sugahara et al. ("Sugahara") in view of Thelander and Anderson. However, Sugahara and Thelander each fails to cure the deficiencies of Anderson or Shimada on teaching of the above listed features.

Sugahara teaches that "the information processing system includes a first information processing apparatus 1 which is used as a server, and a plurality of second information processing apparatuses 2 (only 1 shown) which are used as clients, and these first and second information processing apparatuses 1 and 2 are coupled via a network 3." Sugahara, column 4, lines 21-27, emphasis added. However, Sugahara fails to teach or suggest the above recited features as required by claims 1 and 13 and dependent claims 2 and 3.

**Regarding new claim 18**

Applicant adds new claim 18 to address other aspects of the present invention. Support for claim 18 may be found at, for example, pages 15-18 of the specification. Applicant respectfully submits that the applied prior art references fail to disclose or suggest at least "wherein the plurality of operation modes include at least a first mode allowing external power usage, a second mode allowing external power usage but inhibiting charging an internal battery, and a third mode inhibiting both external power usage and charging the internal battery," as recited in new claim 18 (emphasis added). Therefore, claim 18 is allowable over the applied prior art references.

**Conclusion**

In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

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Dated: April 8, 2008

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